

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PETERSEN ENERGÍA INVERSORA, S.A.U. and
PETERSEN ENERGÍA, S.A.U.,

Plaintiffs,

-against-

ARGENTINE REPUBLIC and YPF S.A.,

Defendants.

Case Nos.:

1:15-cv-02739-LAP

1:16-cv-08569-LAP

ETON PARK CAPITAL MANAGEMENT, L.P.,
ETON PARK MASTER FUND, LTD., and
ETON PARK FUND, L.P.,

Plaintiffs,

-against-

ARGENTINE REPUBLIC and YPF S.A.,

Defendants.

**DECLARATION OF C. HARKER RHODES IV
IN SUPPORT OF PLAINTIFFS' POST-HEARING BRIEF**

I, C. Harker Rhodes IV, declare:

1. I am a partner of the firm Clement & Murphy PLLC and one of the attorneys representing Petersen Energía Inversora, S.A.U., Petersen Energía, S.A.U. (together, "Petersen"), and Eton Park Capital Management, L.P., Eton Park Master Fund, Ltd., and Eton Park Fund, L.P. (together, "Eton Park," and with Petersen, "Plaintiffs") in the above-captioned actions.

2. The purpose of this Declaration is to submit documents to the Court in support of Plaintiffs' Post-Hearing Brief.

3. Attached as **Exhibit A** is a true and correct copy of a July 28, 2023 radio interview by YPF Chairman Pablo Gerardo González, in original Spanish with accompanying certified English translation.

4. Attached as **Exhibit B** is a true and correct copy of excerpts from a July 30, 2023 interview by Axel Kicillof, in original Spanish with accompanying certified English translation.

5. Attached as **Exhibit C** is a true and correct copy of Plaintiffs' summary of interest rate determinations in cases before the National Court of Appeals for Commercial Matters ("Cámara Nacional de Apelaciones en lo Comercial").

6. Attached as **Exhibit D** is a true and correct copy of excerpts from Argentine Law 23,661, in original Spanish with accompanying certified English translation.

7. Attached as **Exhibit E** is a true and correct copy of excerpts from Argentine Law 24,481, in original Spanish with accompanying certified English translation.

8. Attached as **Exhibit F** is a true and correct copy of excerpts from Argentine Law 27,442, in original Spanish with accompanying certified English translation.

9. Attached as **Exhibit G** is a true and correct copy of excerpts from Argentine Law 27,444, in original Spanish with accompanying certified English translation.

10. Attached as **Exhibit PX-3** is a true and correct copy of the Bylaws of YPF S.A. in effect during 2012, in original Spanish with accompanying certified English translation, which was admitted in evidence by agreement. Exhibit PX-3 was previously filed in this litigation as ECF Nos. 364-1 (in English), 364-2 (in Spanish), and ECF No. 468-2 (Exhibit B to Plaintiffs' Pre-Trial Brief).

11. Attached as **Exhibit PX-6** is a true and correct copy of the minutes of the March 21, 2012 meeting of the YPF S.A. Board of Directors, in original Spanish with accompanying

certified English translation, which was admitted in evidence by agreement. Exhibit PX-6 was previously filed in this litigation as ECF No. 468-5 (Exhibit E to Plaintiffs' Pre-Trial Brief).

12. Attached as **Exhibit PX-11** is a true and correct copy of Argentine Decree No. 530/2012, in original Spanish with accompanying certified English translation, which was admitted in evidence by agreement. Exhibit PX-11 was previously filed in this litigation as ECF No. 377-16 and ECF No. 468-1 (Exhibit A to Plaintiffs' Pre-Trial Brief).

13. Attached as **Exhibit PX-15 (Excerpts)** is a true and correct copy of excerpts from Plaintiffs' Exhibit PX-15, the Transcript of Speech by the Secretary of Economic Policy and Development Planning, Axel Kicillof, on April 17, 2012 to the Argentine Senate, in original Spanish with accompanying certified English translation. The complete version of Plaintiffs' Exhibit PX-15 was previously filed in this litigation as ECF Nos. 364-74 and 364-75.

14. Attached as **Exhibit PX-24** is a true and correct copy of YPF's SEC Form 6-K, filed April 23, 2012, which was admitted in evidence by agreement. Exhibit PX-24 was previously filed in this litigation as ECF No. 377-53.

15. Attached as **Exhibit PX-28** is a true and correct copy of the Class Action Complaint in *Repsol YPF, S.A. v. Republic of Argentina*, No. 12-cv-3877 (S.D.N.Y. May 15, 2012). Exhibit PX-28 was previously filed in this litigation as ECF No. 364-18.

16. Attached as **Exhibit PX-29 (Excerpts)** is a true and correct copy of excerpts from Plaintiffs' Exhibit PX-29, YPF's SEC Form 20-F, filed May 16, 2012, which was admitted in evidence by agreement.

17. Attached as **Exhibit PX-35** is a true and correct copy of TTN Resolution No. 9/2013, in original Spanish with accompanying certified English translation, which was admitted

in evidence by agreement. Exhibit PX-35 was previously produced in this litigation with Bates numbers YPFPT-HARRIS00000045-YPFPT-HARRIS00000067.

18. Attached as **Exhibit PX-36 (Excerpts)** is a true and correct copy of excerpts from Plaintiffs' Exhibit PX-36, the Argentine Republic and Repsol's Agreement for the Amicable Settlement and Compromise of Expropriation, dated February 27, 2014, in original Spanish with accompanying certified English translation, which was admitted in evidence by agreement. The complete version of Plaintiffs' Exhibit PX-36 was previously filed in this litigation as ECF No. 468-10 (Exhibit J to Plaintiffs' Pre-Trial Brief).

19. Attached as **Exhibit PX-39** is a true and correct copy of a transcript of speeches by Dr. Carlos Zannini and Daniel Martin to the Argentine Chamber of Deputies on April 8, 2014, in original Spanish with accompanying certified English translation, which was admitted in evidence by agreement.

20. Attached as **Exhibit PX-47** is a true and correct copy of a demonstrative showing closing prices of YPF ADRs from April 13, 2012 to May 8, 2012.

21. Attached as **Exhibit PX-70** is a true and correct copy of the Declaration of Alberto B. Bianchi, dated December 3, 2021.

22. Attached as **Exhibit PX-81** is a true and correct copy of the Declaration of Alberto B. Bianchi, dated September 24, 2021.

23. Attached as **Exhibit PX-82** is a true and correct copy of the Declaration of Alberto B. Bianchi, dated January 14, 2022.

24. Attached as **Exhibit DX-22t** is a true and correct copy of the certified English translation of Argentine Decree 732/2012, which was admitted in evidence by agreement. Exhibit DX-22t was previously filed as ECF No. 299-75.

25. Attached as **Exhibit PLA-4 (Excerpts)** is a true and correct copy of excerpts from Plaintiffs' Exhibit PLA-4, the Civil Code of Argentina, with excerpted translations highlighted in Spanish original. The complete version of Plaintiffs' Exhibit PLA-4 was previously filed in this litigation as ECF No. 470-04.

26. Attached **Exhibit PLA-7** is a true and correct copy of Argentine Law No. 21,499, the General Expropriation Law. Exhibit PLA-7 was previously filed in this litigation as ECF No. 470-7 and ECF No. 468-6 (Exhibit F to Plaintiffs' Pre-Trial Brief).

27. Attached as **Exhibit PLA-9** is a true and correct copy of *All Food S.A. s/Concurso Preventivo s/Incidente de Revision de Credito de Garantia de Valores S.G.R.*, Cámara Nacional de Apelaciones en lo Comercial, Sala F, 18 July 2019, in original Spanish with accompanying certified English translation. Exhibit PLA-9 was previously filed in this litigation as ECF No. 470-09.

28. Attached as **Exhibit PLA-10** is a true and correct copy of *Almiron, Santa Brigida c. Origenes Seguros De Retiro S.A. s/Ordinario*, Cámara Nacional de Apelaciones en lo Comercial, Sala A, 6 March 2018, in original Spanish with accompanying certified English translation. Exhibit PLA-10 was previously filed in this litigation as ECF No. 470-10.

29. Attached as **Exhibit PLA-11** is a true and correct copy of *Argencip S.A v. Fondo Compensador Para Jubilados Y Pensionados Telefonicos*, Cámara Nacional de Apelaciones en lo Comercial, Sala A, 30 June 2010, in original Spanish with accompanying certified English translation. Exhibit PLA-11 was previously filed in this litigation as ECF No. 470-11.

30. Attached as **Exhibit PLA-15** is a true and correct copy of *Bengen, Alvaro Arcadio c/ HSBC Seguros de Vida Argentina S.A. s/Ordinario*, Cámara Nacional de Apelaciones en lo

Comercial, Sala E, 12 July 2018, in original Spanish with accompanying certified English translation. Exhibit PLA-15 was previously filed in this litigation as ECF No. 470-15.

31. Attached as **Exhibit PLA-17** is a true and correct copy of *Bicondoa Mendiboure Mabel Noemi c/ Zalawas Marcelo Manuel s/ Ejecutivo*, Cámara Nacional de Apelaciones en lo Comercial, Sala C, 22 Dec. 2015, in original Spanish with accompanying certified English translation. Exhibit PLA-17 was previously filed in this litigation as ECF No. 470-17.

32. Attached as **Exhibit PLA-21** is a true and correct copy of *Caserta, Daniel c/ Bovone, Adrian Guillermo s/ Ejecutivo*, Cámara Nacional de Apelaciones en lo Comercial, Sala D, 11 Oct. 2018, in original Spanish with accompanying certified English translation. Exhibit PLA-21 was previously filed in this litigation as ECF No. 470-21.

33. Attached as **Exhibit PLA-28** is a true and correct copy of *Genexa S.A. c. Banco de Galicia y Buenos Aires*, Cámara Nacional de Apelaciones en lo Comercial, Sala A, 27 March 2008, in original Spanish with accompanying certified English translation. Exhibit PLA-28 was previously filed in this litigation as ECF No. 470-28.

34. Attached as **Exhibit PLA-51** is a true and correct copy of *Vedebe Trading S.A. c/Fideicomiso Josa I s/ Ejecucion Prendaria*, Cámara Nacional de Apelaciones en lo Comercial, Sala C, 12 Nov. 2015, in original Spanish with accompanying certified English translation. Exhibit PLA-51 was previously filed in this litigation as ECF No. 470-54.

35. Attached as **Exhibit PLA-81** is a true and correct copy of *Arauz, Mirta Cristina c. Castiglione, Juan Carlos Antonio*, Cámara Nacional de Apelaciones en lo Comercial, Sala B, 31 Aug. 2007, in original Spanish with accompanying certified English translation. Exhibit PLA-81 was previously filed in this litigation as ECF No. 478-29.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.

Executed this 4th day of August, 2023.

/s/ C. Harker Rhodes IV

C. Harker Rhodes IV